

Shade Tree Mechanics

Cheers abound as council approves ordinance

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After nearly two years of machinations, the Greenville County Council finally modified zoning regulations last week to require the inclusion of shade trees in the parking lots of new buildings and developments. With an overflow crowd again flooding County Square, council members wrangled for almost two hours over a handful of amendments before sending most observers home happy with a 9-to-3 vote that gave the proposal the weight of law.

Observers of the lengthy process were treated to an almost textbook exercise in democracy — messy, contentious and full of twists and turns, but with an end result that was a measured response to the will of the people. Or at least the will of the people as expressed by a vocal and determined group of citizens who refused to let the issue die.

As council members filed into the chamber before the meeting, the assembled crowd literally buzzed with anticipation. The first indicator of how the evening might go came when Greenville County Council Chairman Dozier Brooks confided he was expecting an amendment to be offered that restored provisions in the original ordinance that called for one tree for every 20 spaces and for 75 percent to be shade trees. Brooks went on to say he planned to vote for that amendment.

Councilman Steve Selby was somewhat agitated as the meeting time approached. He, too, had previously voted to send the ordinance back to committee. Selby indicated he was now inclined to support it, but pointed to some signs carried by demonstrators that he found offensive. "I don't want anybody to think they can intimidate me into voting the way they want," he said.

Selby was mollified when leading tree proponent Diane Eldridge of Upstate Forever! assured him those particular sign-toters were not with her group. The hundreds of shade advocates were opposed by perhaps a dozen people who carried signs claiming the tree ordinance violated private property rights.

As the meeting progressed, every action was greeted by cheers or boos.



At one point, the crowd reacted derisively as Scott Case was responding to a statement by Cort Flint. "Oh, stop hissing," said Case. "Cort Flint and I are friends."

Case, who is council vice-chairman, led the opposition to the ordinance. He labeled the measure "socialistic," although this night he would claim he had only meant to describe one of the proponents in those terms. Although he ended up on the losing end of the vote, there was some polish to the performance by Case at the meeting. He surprised most observers by voting to restore the original provisions and successfully tacked on an amendment of his own to prevent the planning department from offering a future measure regulating residential shade trees.

The ordinance that passed is fairly modest in its ambitions but will be sufficient to ensure future projects like Cherrydale Point do not have shade trees removed by a developer eyeing the bottom line. Cherrydale has been cited frequently throughout this debate, and the fact the Alabama-based developer had quickly sold the property only underscored the need for a zoning ordinance that proponents said would "keep the green in Greenville."

In addition, the turnover of owner-

ship in many projects made the incentives proposed as an alternative by Scott Case seem ineffective. Another proposed amendment would have exempted lots of one acre or less from the tree requirements, but it narrowly failed in the wake of Cort Flint's observation that he where he grew up "an acre was a pretty good piece of land."

Mark Kingsbury chairs the zoning committee and was a consistent opponent of the shade tree ordinance on the grounds it would hinder redevelopment in his district, which runs from Berea towards Furman University and includes the Poinsett Highway corridor. That area is currently a target of developers. Although the acre amendment was offered by Joe Dill, it was Kingsbury who argued for it most strenuously.

Watching the proceedings with more than passing interest was Pam Shucker, a Democrat who will try to unseat Republican Kingsbury in November. Shucker notes Kingsbury's work against the shade tree ordinance as one reason she believes he should be replaced. "I'm for development," says Shucker, "but I want responsible development. Currently, there is no plan for the development of Poinsett Highway."

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Such partisanship on the local level may strike some as curious. After all, there is no such thing as a Democratic pothole or a Republican water main. But Greenville County Council is currently dominated by the GOP, and many disputed issues are settled by 9-to-3 votes that fall strictly along party lines.

But that could change. Democrats Judy Gilstrap and Dan Moravec are seeking the seats currently held by Allen "Bunk" Johnson and Bob Cook respectively. Cook gave up his office for an unsuccessful run for the General Assembly, while Johnson will seek reelection for the first time as a Republican after switching parties following the last election.

The shade tree issue has given these races a higher profile than they might otherwise enjoy. Council business is often played out quietly in front of very few spectators, but many voters who have been galvanized by this debate have expressed concerns about the casual attitude displayed by some officials. In fairness to these council members, it should be noted that they are not used to so many people putting them under a microscope.

The odds are these citizens will not be content to take their shade and go home. While it is too soon to tell if election results will change the makeup of the council, this controversy makes it almost certain that we are in for a couple of months of vigorous debate leading up to November 5.